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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,326	02/06/2004	Takuji Nomura	81846.0035	8530
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HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			DIAMOND, ALAN D	
			ART UNIT	PAPER NUMBER
			1753	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,326

Applicant(s)

NOMURA ET AL.

Examiner

Alan Diamond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7,13-17 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,13-17 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 29, 2005 has been entered.

Comments

2. The objection to claim 15 for informalities has been overcome by Applicant's amendment of the claim.
3. The rejections of the claims under 35 USC 112, second paragraph, have been overcome by Applicant's amendment of the claims other than the rejections that are set forth below.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 4 is indefinite because it is not clear which of the plural of tiles recited in parent claim 1 is being referred to by the term "the tile" at line 3 of claim 4. It is suggested that the term "the tile" at line 3 of claim 4 be changed to "the adjacent tile".

Claim 7 is indefinite because it is not clear which of the plural tiles is being referred to by the term "the tile" at line 4. There are two occurrences of said term at said line 4. Note that claim 7 recites "tiles" at line 2. It is suggested that the each occurrence of the term "the tile" at line 4 of claim 7 be changed to "the tiles".

Claim 13 is indefinite because it is not clear which of the plural tiles is being referred to by the term "the tile" at line 4, and the term "said tile" at each of lines 8 and 10. Note that claim 13 recites "tiles" at lines 2 and 3. It is suggested that the term "the tile" at line 4 be changed to "the tiles", and then the term "said tile" at each of lines 8 and 10 be changed to "said tiles". The same applies to dependent claims 14-16.

Claim 14 is indefinite because it is not clear which of the plural tiles is being referred to by the term "the tile" at line 6. It is suggested that the term "the tile" at line 6 be changed to "the tiles". The same applies to dependent claim 15.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000-226908, herein referred to as JP '908.

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With respect to claim 13, JP '908 teaches solar cell module tiles (1) that have already been laid on a roof (see Figure 6). Then, additional solar cell module tiles (1) are laid on the roof such that the eaves side of a solar cell module tile (1) to be laid is fastened to an upper portion of the ridge side of solar cell module tiles (1) that have already been laid (see Figures 6 and 8). As seen in Figure 1, the solar cell module (4) of a given solar cell module tile (1) is fastened to the eaves side of the solar cell module tiles (1) with fastening strips (8) (see also Figures 4 and 8). Said fastening strips (8) on the eaves side of the tile (1) are also fastened to the peripheral section (5) of tile body (2), which is in turn fastened to the ridge side of the tiles (1) that have already been laid (see Figures 6 and 8). Thus, said fastening strips (8), which read on the instant fastening strips, fasten the eaves side of a solar cell module (2) of a tile (1) to the ridge side of tiles (1) that have already been laid. Fastening strips (8) prevent solar cell modules (4) from being blow off (see paragraph 0045). As seen in Figure 8, the fastening strip of an upper solar cell module tile (1) is between a lower portion of the eaves side of said upper solar cell module tile (1) and the upper portion of the ridge side of an adjacent lower solar cell module tile (1). Said fastening strip (8) of the upper solar cell module tile (1) clearly engages lower portion of the eaves side of said upper solar cell module tile (1) and engages the upper portion of said adjacent lower solar cell module tile (1), albeit indirectly by way of the peripheral section (5) of the upper solar cell module tile (1).

With respect to claim 14, the fastening strips (8) of the solar cell module tile (1) to be laid is clearly engaged (by way of said peripheral section (5)) with the ridge side of

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the tile below it (see Figures 6 and 8). Said fastening strips (8) are coupled to the eaves side of a module (4) which is part of a tile (1) that is laid on the upper edges of the tile below (see Figures 6 and 8).

With respect to claim 15, the fasteners (8) have a height-adjusting screw (32, 32A) which clearly has a tip abutting on an upper surface of the solar cell module tile (1) (see Figures 10 and 13). As noted above, the engaging part is the tile body (2). However, since the fasteners (8) penetrate the tile body (2) from above, they determine the height at the eaves side. In particular, in Figure 8, if the screw holding in the fastener (8) is very tight, then the height at the eaves side as measured from the top of fastener (8) will be lower than compared to the situation where the screw is not screwed as tightly.

With respect to claim 16, each solar cell module (4) clearly has a width that is an integral multiple with the width of each tile so that each solar cell module (4) can fit in a tile body (2) (see Figures 1, 2, and 6). As seen in Figure 6, the fastening strips (8) are arranged at regular intervals in the widthwise direction.

With respect to claim 17, the fastening strips (9), which also prevent the solar cell modules (4) from being blown off, are at the ridge sides to the tiles (1) (see Figures 6 and 8). The fastening strips (9) are fastened to the ridge-side peripheral edge of the tile body (2), which in turn is coupled to the eaves side of the tile to be laid (see Figures 6 and 8). Thus, said fastening strips (9) couple the ridge side of a solar cell module (4) to the eaves side of a solar cell module tile to be laid. The fastening strips (9) have a securing part, i.e., the vertical part that projects into peripheral section (5) which in turn

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is secured to the roof via nail (12b) and a horizontal part that clearly engages and is coupled to the lower portion of the eaves side of and adjacent upper solar cell module tile (1) (see Figure 8).

Since JP '908 teaches the limitations of the instant claims, the reference is deemed to be anticipatory.

8. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-200561, herein referred to as JP '561.

With respect to claim 7, JP '561 teaches the laying of solar cell modules together with tiles (B) on the roof of a building (see Figure 11).

It is the Examiner's position that photovoltaic cell (2) plus frame sections (1A, 1B, 1D) read on an instant solar cell module (see JP '561's Figure 1). Then, as seen in Figure 10, there is a frame member (1C) between each solar cell module, as well as between the lower-most solar module and the tile (B) at the bottom of Figure 10. The modules and tiles in said Figure 10 are laid adjacent in the gradient of the roof. Said frame member (1C) is made from aluminum, and aluminum certainly is waterproof (see paragraph 0010). The frame members (1C) read on the instant waterproof members. As seen schematically in Figure 10, said frame members (1C) have substantially the same height as the height of the tiles (B). As clearly seen in JP '561's Figure 10, the frame members (1C) have a width narrower the tiles (B). Each frame member (1C) has a trough section near reference sign (13C) in Figure 2, and this trough section, along with waterproof material (4) (paragraph 0012) renders waterproof a junction between the solar cell module and the one tile.

Alternatively, as seen in Figure 1, 4, and 11, there is either a waterproof member (7) or a waterproof member (1A) between each solar cell module and one tile (B) which are laid adjacent in the direction of a gradient of the roof. It is the Examiner's position that photovoltaic cell (2) plus frame sections (1B, 1C, 1D) read on an instant solar cell module (see JP '561's Figure 1). Then, as seen in Figure 11, there is a frame member (1A) between the solar cell module at the left and the tile (B) at the left, and there is waterproof member (7) between the solar module at the right and the tile at the right. Said frame member (1A) is made from aluminum, and aluminum certainly is waterproof (see paragraph 0010). As seen schematically in Figure 11, said frame member (1A) and waterproof member (7) have substantially the same height as the height of the tiles (B). As seen in JP '561's Figures 1, 4, and 11, the frame member (1A) and waterproof member (7) have a width narrower the tiles (B). The frame member (1A) has a trough near reference sign (12A) (see Figures 1 and 11). As seen in Figure 11, this trough section renders waterproof a junction between the tile (B) to the left of the trough section and the solar module (A) adjacent thereto because the frame member (1A), which includes the trough section (12A), is waterproof. Likewise, as seen in Figure 11, the waterproof member (7) also has a trough section. This trough section renders waterproof a junction between the tile (B) to the right of the trough section and the solar module (A) adjacent thereto because waterproof member (7) is waterproof. As seen in Figure 11, frame member (1A) and the waterproof member (7) overlap one side of a solar cell module and tile.

Since JP '561 teaches the limitations of the instant claims, the reference is deemed to be anticipatory.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 4, 5, 7, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11-200561, herein referred to as JP '561, in view of Ouchida et al, U.S. Patent 6,525,264.

With respect to claims 1 and 4, JP '561 teaches a solar cell module comprising photovoltaic cell (2); and a rectangular frame that encompasses the instant base member and comprises a ridge-side surface at section (1D) which projects downward at part (13D); an eaves-side surface at section (1C); a trough-side surface at section (13A) and an anti-trough-side surface at section(13B) (see Figures 1, 2, and 3). The trough-side surface at section (13A) has a protecting part (12A, 14A, 15A), extending along the ridge-side to the eaves-side of the roof and configured to overlap the trough section of an adjacent solar cell module (see Figures 3 and 7). Likewise, the anti-trough-side surface at section (13B) has a protecting part (12B, 14B), extending along the ridge-side to the eaves-side of the roof and configured to overlap the trough section of an adjacent solar cell module (see Figures 3 and 7). Note that a solar cell module is a tile and thus, an adjacent solar cell module is also an adjacent tile. The photovoltaic cell (2) is

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mounted such that a lower surface of photovoltaic cell (2) is mounted to an upper surface of said rectangular frame (see Figure 2).

With respect to claim 5, a lower surface of, for example, the projecting part (12B) of the anti-trough-side contacts an upper edge of a rising wall (11A) of section (13A) which defines the trough section of the adjacent tile or module to seal a gap (see Figure 11).

With respect to claim 7, it is the Examiner's position that JP '561's photovoltaic cell (2) plus frame sections (1A, 1B, 1D) read on an instant solar cell module (see JP '561's Figure 1). Then, as seen in Figure 10, there is a frame member (1C) between each solar cell module, as well as between the lower-most solar module and the tile (B) at the bottom of Figure 10. The modules and tiles in said Figure 10 are laid adjacent in the gradient of the roof. Said frame member (1C) is made from aluminum, and aluminum certainly is waterproof (see paragraph 0010). The frame members (1C) read on the instant waterproof members. As seen schematically in Figure 10, said frame members (1C) have substantially the same height as the height of the tiles (B). As clearly seen in JP '561's Figure 10, the frame members (1C) have a width narrower the tiles (B). Each frame member (1C) has a trough section near reference sign (13C) in Figure 2, and this trough section, along with waterproof material (4) (paragraph 0012) renders waterproof a junction between the solar cell module and the one tile.

Alternatively, with respect to claim 7, as seen in Figure 1, 4, and 11, there is either a waterproof member (7) or a waterproof member (1A) between each solar cell module and one tile (B) which are laid adjacent in the direction of a gradient of the roof.

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It is the Examiner's position that photovoltaic cell (2) plus frame sections (1B, 1C, 1D) read on an instant solar cell module (see JP '561's Figure 1). Then, as seen in Figure 11, there is a frame member (1A) between the solar cell module at the left and the tile (B) at the left, and there is waterproof member (7) between the solar module at the right and the tile at the right. Said frame member (1A) is made from aluminum, and aluminum certainly is waterproof (see paragraph 0010). As seen schematically in Figure 11, said frame member (1A) and waterproof member (7) have substantially the same height as the height of the tiles (B). As seen in JP '561's Figures 1, 4, and 11, the frame member (1A) and waterproof member (7) have a width narrower the tiles (B). The frame member (1A) has a trough near reference sign (12A) (see Figures 1 and 11). As seen in Figure 11, this trough section renders waterproof a junction between the tile (B) to the left of the trough section and the solar module (A) adjacent thereto because the frame member (1A), which includes the trough section (12A), is waterproof. Likewise, as seen in Figure 11, the waterproof member (7) also has a trough section. This trough section renders waterproof a junction between the tile (B) to the right of the trough section and the solar module (A) adjacent thereto because waterproof member (7) is waterproof. As seen in Figure 11, frame member (1A) and the waterproof member (7) overlap one side of a solar cell module and tile.

With respect to claim 21, JP '561's rectangular frame, which encompasses the instant base, is a box that is bottomless, as well as topless.

JP '561 teaches the limitations of the instant claims other than the difference which is discussed below.

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JP '561 does not specifically teach the structure of its photovoltaic cell (2), and, as such, does not specifically teach the combination of a base member and support member recited in instant independent claim 1.

Ouchida et al teaches a photovoltaic cell comprising semiconductor layer (402), a sealing resin film (403), and a thermal insulation layer (404) (see Figure 12; and col. 18, lines 23-44). The sealing resin film along with frame (405) is a rectangular base member. The thermal insulation layer (404) corresponds to the instant insulating support member (see col. 18, lines 34-44). Ouchida et al's photovoltaic cell structure provides the advantage of suppressing photo-degradation and providing large output (see col. 4, lines 16-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Ouchida et al's photovoltaic cell structure for the photovoltaic cell of JP '561 because Ouchida et al's photovoltaic cell structure provides the advantage of suppressing photo-degradation and providing large output (see co. 4, lines 16-19). As seen in Figure 12, Ouchida et al's frame, which is also a bottomless and topless box, is adapted to receive said insulation layer (104), as per instant claim 22.

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '561 in view of Ouchida et al as applied to claims 1, 4, 5, 7, 21, and 22 above, and further in view of Nakazima et al (EP 1071139 A2).

JP '561 in view of Ouchida et al, as relied upon for the reasons recited above, teaches the limitations 23, the difference being that JP '561 in view of Ouchida et al does not specifically teach that the photovoltaic cell has a terminal box, and that the

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terminal box is inserted and mounted in an opening formed in the base member.

However, the use of a base member that has an opening for inserting and mounting a terminal box for a photovoltaic cell is conventional in the art, as seen in Figure 1 of Nakazima et al, which has terminal box storage recess (3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the module structure of JP '561 in view of Ouchida et al so as to include an opening for inserting and mounting a terminal box for the photovoltaic cell because such is conventional in the art, as shown by Nakazima et al.

12. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '561 in view of Ouchida et al as applied to claims 1, 4, 5, 7, 21, and 22 above, and further in view of JP 2000-174313, herein referred to as JP '313.

JP '561 in view of Ouchida et al, as relied upon for the reasons recited above, teaches the limitations 24, the difference being that JP '561 in view of Ouchida et al does not specifically teach that the insulating support member, i.e., said thermal insulation layer (404), prevents the base member, i.e., the frame, from being deformed when the frame receives the weight of a worker stepping on or laying the solar cell module. JP '313 teaches a solar cell module that enables a worker to stand on the module when the worker installs and fixes the module, wherein, as seen in Figures 8 and 9, the module has a supporter material (23) that permits large loading on the module (see also paragraph 0146). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the solar cell module of JP '561 in view of Ouchida et al with the support structure as taught by JP '313 because

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this would provide the solar cell module with support that permits large loading on the module, and that enables a worker to stand on the module when the worker installs and fixes the module, as taught by JP '313.

Response to Arguments

13. Applicant's arguments filed October 24, 2005 have been fully considered but they are not persuasive.

With respect to claim 1, Applicant argues that the cited prior art does not disclose or suggest "a solar cell provided on an upper surface of the base member such that a lower surface of the solar cell is mounted to the upper surface of the base member". Applicant argues that in JP '561, the photovoltaic cell (2) is positioned with fixed slot (3) below the upper surface of cell frame (1). However, this argument is not deemed to be persuasive because the surfaces of the slot (3) are at "an upper surface" of the frame. For example, a lower surface of the frame is near reference sign 4 in JP '561's Figure 2. The entire slot (3), and in particular, the portion of the slot (3) near reference sign (3B) that contacts the rear of the solar cell, is at an upper surface of the module. The term "an upper surface" at line 2 of instant claim 1 is broad and does not distinguish over what is seen in Figure 2 of JP '561.

With respect to claim 7, Applicant argues that the applied references do not disclose or suggest "wherein the waterproof member has a trough section on one side, said trough section rendering waterproof a junction between each solar cell module and the one tile, which are laid adjacent in the direction of the gradient of the roof, and said

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waterproof member overlaps one side of a solar cell module and the one tile”.

However, the Examiner’s maintains that this feature is taught by JP ‘561.

Applicant argues that the side (1C) of JP ‘561 is an integral part of cell frame (1). However, this argument is not deemed to be persuasive because as JP ‘561 teaches in paragraph 0010, the materials (1A) and (1B) at the sides can be joined with eaves side material (1C) and ridge side material (1D) so as to form the frame. As with many typical frames, the sides of the frame can be joined together so as to form the four sides of the frame, and the frame need not be formed from a single piece of material. Indeed, in view of the different shapes for the different sides, a skilled artisan would screw, bolt, or use adhesive, or some other adhering method, to join the different frame sides together. Accordingly, said side (1C) reads on the instant waterproof member and JP ‘561’s photovoltaic cell (2) plus frame sections (1A, 1B, 1D) read on an instant solar cell module.

Applicant argues that “the frame member 1C, flashing 12C and waterproof sheet (4) are all provided at the eaves-side of the solar cell retaining tile A, and that this structure in JP ‘561 describes a junction between the top surface of the lower edge of the solar cell retaining tile A and the waterproof sheet 4 is rendered waterproof.”

Applicant argues that “[t]his structure does not correspond to a waterproof member, which is interposed between the solar cell module and the tile which are laid adjacent in the direction of gradient of the roof, and serves to render the junction between the solar cell module and the tile waterproof, as in the present invention.” However, these arguments are not deemed to be persuasive because as seen in JP ‘561’s Figure 10,

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there is a frame member (1C) between each solar cell module, as well as between the lower-most solar module and the tile (B) at the bottom of Figure 10. The modules and tiles in said Figure 10 are laid adjacent in the gradient of the roof. Said frame member (1C) is made from aluminum, and aluminum certainly is waterproof (see paragraph 0010). Each frame member (1C) has a trough section near reference sign (13C) in Figure 2, and this trough section, along with waterproof material (4) (paragraph 0012) renders waterproof a junction between the solar cell module and the one tile.

Applicant argues that the waterproof connecting body (7) of JP '561 is positioned with its recessed area facing upward between solar cell retaining tile A and roofing tile B. However, this argument is not deemed to be persuasive because there is nothing in instant claim 7 which excludes such a configuration of JP '561's waterproof connecting body (7). As clearly seen in JP '561's Figure 11, the waterproof member (7) overlaps the solar cell module and the tile as required in the instant claims. The waterproof member (7) is at the junction between the adjacent module and tile and renders waterproof this junction by the fact that it is waterproof.

With respect to claim 13, Applicant argues that the applied references do not teach or suggest "arranging fastening strips which prevent solar cell modules from being blown off between a lower portion of the eaves-side of the solar cell module and the upper portion of the ridge-side of the tile, and that the applied references do not disclose or suggest "engaging the fastening strips to the lower portion of the eaves-side of said solar cell module and the upper portion of the ridge-side of said tile. However, the Examiner maintains that these features are taught by JP '908.

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Applicant argues that JP '908's fastener (8) is intended to hold and secure the periphery of the solar cell module (4) so that the solar cell module (4) can be secured to the roof. Applicant argues that the fastener (8) does not function in the same manner as the instant fastening strip (81). However, this argument is not deemed to be persuasive because, as seen in JP '908's Figure 1, the solar cell module (4) of a given solar cell module tile (1) is fastened to the eaves side of the solar cell module tiles (1) with same fastening strips (8) (see also Figures 4 and 8). Said fastening strips (8) on the eaves side of the tile (1) are also fastened to the peripheral section (5) of tile body (2), which is in turn fastened to the ridge side of the tiles (1) that have already been laid (see Figures 6 and 8). Thus, said fastening strips (8), which read on the instant fastening strips, fasten the eaves side of a solar cell module (2) of a tile (1) to the ridge side of tiles (1) that have already been laid. Fastening strips (8) prevent solar cell modules (4) from being blow off (see paragraph 0045). As seen in Figure 8, the fastening strip of an upper solar cell module tile (1) is between a lower portion of the eaves side of said upper solar cell module tile (1) and the upper portion of the ridge side of an adjacent lower solar cell module tile (1). Said fastening strip (8) of the upper solar cell module tile (1) clearly engages lower portion of the eaves side of said upper solar cell module tile (1) and engages the upper portion of said adjacent lower solar cell module tile (1), albeit indirectly by way of the peripheral section (5) of the upper solar cell module tile (1).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Diamond whose telephone number is 571-272-

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1338. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alan Diamond
Primary Examiner
Art Unit 1753

Alan Diamond
February 7, 2006

A handwritten signature in black ink, appearing to read 'Alan Diamond', with a stylized, cursive script.